

## REMARKS

Claims 1-10 were pending in this Application as of the Office Action of July 22, 2009. Claim 10 is respectfully amended with this Response. Claim 11 is respectfully added. In this Office Action the Examiner requires Applicant to elect a single Species from each of five enumerated Species Groups to which the claims shall be restricted under 35 U.S.C. 121. The Examiner also asks Applicant to identify the claims readable on the elected species, including any claims subsequently added.

In reply to the restriction requirement, Applicants herein elects the following *with traverse*:

- Species Group 1: Species 1, upon which claims 1 and 3 are readable;
- Species Group 2: Species 1, upon which claims 1 and 9 are readable;
- Species Group 3: Species 1, upon which claim 1 and amended claim 10 are readable;
- Species Group 4: Species 4, upon which claim 1 and new claim 11 are readable; and
- Species Group 5: Species 8, upon which claims 1 and 8 are readable.

The reasons for Applicant's traversal follow hereinbelow:

In making the above restriction under PCT Rule 13.2, the Examiner alleges that the claims lack the same or corresponding technical feature because the special technical feature of the Application would be anticipated or obvious in view of United States Patent No. 4,191,221 to Boyer ("Boyer" hereinafter). Applicant specifically traverses this allegation for at least the following reasons.

Applicant's claim 1 recites *inter alia*:

"a "comfort" yarn made of cellulose material and a technical yarn possessing good properties of resistance to abrasion and to temperature, these two yarns being woven or knitted so as to define at least two separate portions in the thickness of the fabric, a first outer portion

predominantly of technical yarn and a second inner portion predominantly of comfort yarn, said portions being at least partially entangled, wherein the technical yarn is a yarn produced from continuous filaments.”

Applicant first points out that Boyer fails to teach a technical yarn possessing good properties of resistance to abrasion and to temperature, which therefore comprises a special technical feature that is present throughout the claims (claims 2-11 depend from claim 1). On the contrary, Boyer is directed to a percale sheeting fabric used to produce fine luxury bed sheets and pillow cases (please column 1, lines 5-12). Considering the properties of percale, Boyer fails to teach a technical yarn possessing good properties of resistance to abrasion and to temperature as claimed and described in the Application at page 5, lines 1-9.

Moreover, Boyer teaches a fabric containing polyester fibers (please see column 1, lines 5-9), which are clearly not suitable for use as a technical yarn possessive of good properties of resistance to abrasion and to temperature (please see page 2, lines 11-13 and 21-22). In fact, a fabric made of polyester would melt in the event of a motorcycle accident due to friction with a road surface, and would therefore be insufficient for providing the properties necessary to an exemplary embodiment (i.e. motorcyclist protection) of Applicant’s disclosure.

Applicant next points out that Boyer fails to teach two yarns being woven or knitted so as to define *at least two separate portions in the thickness* of the fabric or a technical yarn is a yarn produced from *continuous filaments*, which therefore comprise special technical features that are present throughout the claims (claims 2-11 depend from claim 1). On the contrary, Boyer teaches a fabric made of an identical yarn (which precludes yarns with at least two separate portions in thickness of the fabric, as set forth in claim 1 and page 8, lines 15-21 and page 11, lines 14-27 of Applicant’s disclosure), the fabric being made of multifilament yarn (please see column 1, lines 54-61 of Boyer).

Applicant also respectfully notes that claim 4 recites warp yarns and weft yarns (the technical and comfort yarns respectively), which is contrary to the single yarn type of Boyer.

For at least the above reasons, Applicant respectfully asserts that the claims include a special technical feature. As such, Applicant respectfully requests removal of the Restriction Requirement set forth in the Office Action.

Should the traversal not be persuasive, Applicant respectfully reserve the right to pursue the withdrawn claims in a related application(s) without prejudice.

Prosecution on the merits is respectfully requested. The foregoing is believed to be fully responsive to the outstanding Office Action.

Conclusion

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any extension of time necessary under 37 C.F.R. §§1.136(a) or 1.136(b).

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,  
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